



GROUP ART UNIT 2179

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No: 10/046,868
Filed: January 15, 2002
Inventor(s): Michael L. Santori
and John Limroth

Title: System and Method for
Performing Rapid Control
Prototyping Using a
Plurality of Graphical
Programs that Share a
Single Graphical User
Interface

卷之三

Examiner:	Huynh, Ba
Group/Art Unit:	2179
Atty. Dkt. No:	5150-64600

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Alexandria, VA 22313-1450, on the date indicated below.

Jeffrey C. Hood

9/27/2005 JCR
Date Signature

Date

Signature

PRE-APPEAL BRIEF REQUEST

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted to further highlight why the application is in condition for allowance.

REMARKS

Section 103 Rejections

Claims 1 – 31 and 33 – 68 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2001/0034881 (“Washington”). Applicant respectfully traverses this rejection.

claim 1 requires, in part:

creating a first graphical program that models the product being designed, wherein the first graphical program is created in a first graphical program development environment;

deploying the first graphical program on a target device for execution;

creating a second graphical program that performs a measurement function, wherein the second graphical program is created in a second graphical program development environment, wherein the second graphical program development environment is different than the first graphical program development environment;

The Office Action relies on the Washington patent as teaching both “creating a first graphical program . . . in a first graphical program development environment” and “creating a second graphical program . . . in a second graphical program development environment”. However, the Washington reference only describes a single graphical program development environment, which in the embodiment described is the LabVIEW graphical program development environment. In a similar manner, the Kodosky reference only teaches a single graphical program development environment. Thus Washington and/or Kodosky simply cannot teach or suggest creating graphical programs in different graphical program development environments.

Washington and/or Kodosky hence also cannot teach or suggest displaying a single graphical user interface comprising GUI elements for the first graphical program and the second graphical program. Applicant submits that displaying a single GUI with GUI elements for two different graphical programs created in different environments is a significantly more difficult problem than programs created in the same environment.

Applicant thus respectfully submits that enabling the creation of two graphical programs in different graphical program development environments, where the two

graphical programs execute concurrently and share a single GUI, is novel and non-obvious over the prior art. This operation is very different from systems where only a single graphical program development environment is used, such as in the Washington and Kodosky references.

Applicant thus submits that the present claims are patentable over Washington and the other cited art for at least the reasons given above.

Removal of the 103 rejection of claims 1 – 31 and 32 – 68 is respectfully requested.

CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-64600/JCH.

Also enclosed herewith are the following items:

- Return Receipt Postcard
- Notice of Appeal

Respectfully submitted,



Jeffrey C. Hood
Reg. No. 35,198
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800
Date: 9/21/2005JCH/MSW